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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/892,345	06/26/2001	Gregory Carlson	7651/1612	3543
75	90 06/19/2003			
Novartis Corp		EXAMINER SERGENT, RABON A		
Corporate intell One Health Plaz	za, Bldg. 430			
East Hanover, NJ 07936-1080			ART UNIT	PAPER NUMBER
			1711	4
			DATE MAILED: 06/19/2003	S

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on 18 March 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merit closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Ctaim(s) 1-56 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-7 and 46 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application has been received.	-				
Examiner Rabon Sergent 1711	,		Application No.	Applicant(s)	1
Rabon Sergent 1711			09/892,345	CARLSON ET AL.	·
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Bettengine of liminum by the subside under the promotion of 37 CFR 1 198(a). In no event, however, may a reply be timely find after SIX (5) MONTH Short him making date of this communication. Promotion frequency appended above is sea than thin (30) days, a replay, which is abutinary minimum of thin (20) days and be considerated in the communication. Promotion frequency appended above is sea than thin (30) days, a replay, which is abutinary minimum of thin (20) days are promotion frequency and the considerated formally altered and the sea of the communication of t		Office Action Summary	Examiner	Art Unit	/
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1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.4 6) Other:	1) Notice	e of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)	_ ·

Art Unit: 1711

- 1. Applicant's election without traverse of Group I, claims 1-11, 46, 55, and 56 in Paper No. 7, filed March 18, 2003 is acknowledged.
- 2. Claim 46 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 46 refers to the prepolymer of claim 44; however, claim 44 is drawn to a method.

3. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The value 1.1.03 within line 2 of each claim is improper.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Within claim 1, it is unclear that the multifunctional compound is mutually exclusive from reactants (b) or (c), because there is no requirement that the functionality exceed two.

Furthermore, it is unclear that the multifunctional compound is to be reactive with (b) or (c).

Within claims 2 and 3, it is not clear that component (c) is a reactant, since no functional groups have been specified. Furthermore, within claim 3, it is unclear if component (c) is mutually exclusive from component (a).

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claims 1 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Knopf et al. ('542) or Hoy et al. ('605).

Patentees disclose the production of low viscosity prepolymers from diols, triols, and diisocyanates. See column 3, lines 8+ and column 7 within Knopf et al. See column 4, lines 40+ within Hoy et al.

7. Claims 8-11, 55, and 56 are allowable.

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (703) 308-2982.

RABON SERGENT PRIMARY EXAMINER

R. Sergent

June 16, 2003